

Land Law (Ireland) Bill.

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TO

Further amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PART I.

ORDINARY CONDITIONS OF TENANCIES.

1. The tenant for the time being of every tenancy to which this Act applies may sell his tenancy for the best price that can be got for the same, subject to the following regulations and subject also to the provisions in this Act contained with respect to the sale of a tenancy subject to statutory conditions: Sale of tenancies.

(1.) Except with the consent of the landlord, the sale shall be made to one person only :

(2.) The tenant shall give the prescribed notice to the landlord of his intention to sell his tenancy :

(3.) On receiving such notice the landlord may purchase the tenancy for such sum as may be agreed upon, or in the event of disagreement may be settled by the court to be the value thereof :

(4.) Where the tenancy is sold to some other person than the landlord, the landlord may refuse on reasonable grounds to accept the purchaser as tenant :

(5.) The reasonable grounds on which a landlord may refuse to admit a purchaser as tenant are all or any of the following grounds :

(1.) Insufficiency of means, measured with respect to the liabilities of the tenancy :

[Bill 135.] A

A.D. 1881.

- (2.) The bad character of the purchaser:
- (3.) The failure of the purchaser already as a farmer:
- (4.) Any other reasonable and sufficient cause.

In case of dispute the reasonableness of the landlord's refusal shall be decided by the court:

- (6.) Where the tenancy is subject to any such conditions as are in this Act declared to be statutory conditions, and the sale is made in consequence of proceedings by the landlord for the purpose of recovering possession of the holding by reason of the breach of any of such conditions, except the condition relating to the payment of rent, the court may grant to the landlord out of the purchase moneys compensation by way of damages for any injury he may have sustained from the tenant by breach of any of such conditions: 5
- (7.) Where improvements have been made on a holding by the landlord or his predecessors, in respect of which an adequate compensation has not, in the opinion of the Court, by increased rent or otherwise been made by the tenant or his predecessors to the landlord or his predecessors, the landlord shall, in the absence of any agreement to the contrary, be entitled on application to the court to have any such improvements valued under the direction of the court, and any moneys found due to the landlord on such valuation (subject to any set-off claimed by the tenant) shall be deemed to be a debt payable to the landlord out of the purchase moneys of the tenancy: 15 20
- (8.) Where a tenant sells his tenancy to any person other than the landlord, the landlord may at any time within the prescribed period give notice both to the outgoing tenant and to the purchaser of any sums which he may claim from the outgoing tenant for arrears of rent or otherwise. And 30
- (a.) If the outgoing tenant does not within the prescribed period give notice to the purchaser that he disputes such claims or any of them, the purchaser shall out of the purchase moneys pay the full amount thereof to the landlord; and 35
- (b.) If the outgoing tenant disputes such claims or any of them, the purchaser shall out of the purchase moneys pay to the landlord so much (if any) of such claims as the outgoing tenant admits, and pay the residue of the amount claimed by the landlord into court in the prescribed manner. 40

Until the purchaser has satisfied the requirements of this sub-section, it shall not be obligatory on the landlord to accept the purchaser as his tenant: A.D. 1861.

(9.) Where any purchase money has been paid into court it shall be lawful for the landlord and also for the outgoing tenant and for the purchaser to make applications to the court in respect of such purchase money; and the court shall hear and determine such applications, and make such order or orders thereupon as to the court may seem just:

(10.) A tenant who has sold his tenancy on any occasion of quitting the same shall not be entitled on the same occasion to receive compensation for either disturbance or improvements; and a tenant who has received compensation for either disturbance or improvements on any occasion shall not be entitled on the same occasion to sell his tenancy:

(11.) The tenant of a tenancy subject to the Ulster tenant-right custom or to a usage corresponding to the Ulster tenant-right custom may claim to sell his tenancy either in pursuance of that custom or usage, or in pursuance of this section, but he shall not be entitled to sell partly under the custom or usage and partly under the provisions of this section.

2. Where the tenant of a tenancy to which this Act applies has bequeathed his tenancy to one person only, and the personal representatives of the tenant have assented to the bequest, such person shall have the same claim to be accepted as tenant by the landlord as if the tenancy had been sold to him by the testator. Devolution of tenancies.

Where the tenant of any such tenancy has bequeathed his tenancy to more than one person or dies intestate, his personal representatives shall, if the landlord requires a sale to be made, within twelve months after the death of the tenant sell the tenancy, and in case of their default the landlord may sell the same.

Where the tenant of a tenancy dies intestate and without next of kin such tenancy shall pass to the landlord.

3. Where the landlord demands an increase of rent from the tenant of a present tenancy (except where he is authorised by the court to increase the same as hereafter in this Act mentioned) or demands an increase of rent from the tenant of a future tenancy beyond the amount fixed at the beginning of such tenancy, then, Increase of rent to attract statutory conditions or enhance price on sale.

(1.) Where the tenant accepts such increase, until the expiration of a term of *fifteen years* from the time when such increase was made (in this Act referred to as a statutory term) such tenancy shall (if it so long continues to subsist) be deemed

A.D. 1861.

to be a tenancy subject to statutory conditions, with such incidents during the continuance of the said term as are in this Act in that behalf mentioned :

- (2.) Where the tenant does not accept such increase and sells his tenancy, in addition to the price paid for the tenancy he shall be entitled to receive from his landlord ten times the amount of such sum (if any) as the court, on the application of the tenant, may determine to be the excess of the increased rent over a fair rent within the meaning of this Act, or, in the case of a holding subject to the Ulster tenant-right custom, or any usage corresponding to that custom, the amount (if any) by which the court may decide the selling value of his tenancy to have been depreciated below the amount which would have been such selling value if the rent had been a fair rent, whichever of the said sums may be the greater : 10
- (3.) Where the tenant does not accept such increase and is compelled to quit the tenancy, but does not sell the tenancy, he shall be entitled to compensation as in the case of disturbance by the landlord. 15
- (4.) The tenant of a present tenancy may in place of accepting or declining such increase apply to the court in manner hereafter in this Act mentioned to have the rent fixed. 20

Incidents of
tenancy
subject to
statutory
conditions.

4. A tenant shall not, during the continuance of a statutory term in his tenancy, be compelled to pay a higher rent than the rent payable at the commencement of such term, and shall not be compelled to quit the holding of which he is tenant except in consequence of the breach of some one or more of the conditions following (in this Act referred to as statutory conditions) ; that is to say, 25

- (1.) The tenant shall pay his rent at the appointed time :
- (2.) The tenant shall not commit persistent waste by the dilapidation of buildings or the deterioration of the soil after notice has been given by the landlord to the tenant to desist from such dilapidation or deterioration of soil : 30
- (3.) The tenant shall not persistently refuse to allow the landlord, or any person or persons authorised by him in that behalf (he or they making reasonable amends and satisfaction for any injury to be done or occasioned thereby) to enter upon the holding for any of the purposes following ; that is to say, 35
 - Mining or taking minerals ;
 - Quarrying or taking stone, marble, gravel, sand, or slate ; 40
 - Cutting or taking timber or turf ;
 - Opening or making roads, drains, and watercourses ;

Viewing or examining the state of the holding and all buildings or improvements thereon; A.D. 1861.

Exercising any rights of hunting, shooting, fishing, or taking game or fish which belong to the landlord:

5 (4.) The tenant shall not, without the consent of his landlord, sub-divide or sub-let his holding:

(5.) The tenant shall not do any act whereby his holding becomes vested in a judgment creditor or assignee in bankruptcy.

Agistment or letting in conacre or for the purpose of temporary depasturage shall not be deemed a sub-letting for the purposes of this Act.

During the continuance of a statutory term in a tenancy, consequent on an increase of rent by the landlord, the court may, on the application of the landlord, and upon being satisfied that
15 he is desirous of resuming the holding for some purpose having relation to the good of the holding or of the estate, or for the benefit of the labourers in respect of cottages, gardens, or allotments, authorise the resumption thereof by the landlord, and require the tenant to sell his tenancy to the landlord upon such terms as may
20 be approved by the court as being full compensation to the tenant.

Provided that the rent of any tenancy subject to statutory conditions may be increased in respect of capital laid out by the landlord under agreement with the tenant to such an amount as may be agreed upon between the landlord and tenant.

25 *Amendment of Law as to Compensation for Disturbance.*

5. There shall be repealed so much of section three of the Landlord and Tenant (Ireland) Act, 1870, as provides for the scale of compensation, and so much of the same section as declares that in no case shall the compensation exceed the sum of two hundred and
30 fifty pounds, and so much of the same section as declares that a tenant in a higher class of the scale may at his option claim compensation under a lower class, and so much of the same section as prohibits tenants of holdings valued at such sums as are in the said section mentioned, and making such claims for compensation for
35 disturbances as are in the said section mentioned, from being entitled to make separate or additional claims for improvements other than permanent buildings and reclamation of waste land.

The compensation payable under the said section three in the case of a tenant disturbed in his holding by the act of a landlord after
40 the passing of this Act shall be as follows in the case of holdings—

Where the rent is under thirty pounds, a sum not exceeding seven years rent:

Repeal of part of s. 3. of Landlord and Tenant (Ireland) Act, 1870, and enactment of new scale.

A.D. 1881.

Where the rent is under fifty pounds, a sum not exceeding *five years rent* :

Where the rent is under one hundred pounds, a sum not exceeding *four years rent* :

Where the rent is one hundred pounds or upwards, a sum not exceeding *three years rent*.

Amendment of Law as to Compensation for Improvements.

Amendment of the Landlord and Tenant (Ireland) Act, 1870, as to compensation for improvements.

6. A tenant on quitting the holding of which he is tenant shall not be deprived of his right to receive compensation for improvements under the Landlord and Tenant (Ireland) Act, 1870, by reason only of the determination by surrender or otherwise of the tenancy subsisting at the time when such improvements were made by such tenant or his predecessors in title, and the acceptance by him or them of a new tenancy. 10

Where in tracing a title for the purpose of obtaining compensation for improvements, it appears that an outgoing tenant has surrendered his tenancy in order that some other person may be accepted by the landlord as tenant in his place, and such other person is so accepted as tenant, the outgoing tenant shall not be precluded from being deemed the predecessor in title of the incoming tenant by reason only of such surrender of tenancy by him. 15 20

The court, in adjudicating on a claim for compensation for improvements made before any such change of tenancy or of tenants, shall take into consideration all the circumstances under which such change took place, and shall admit, reduce, or disallow altogether such claim as to the court may seem just. 25

PART II.

INTERVENTION OF COURT.

Determination by court of rent of present tenancies

7. (1.) The tenant of any present tenancy to which this Act applies, may from time to time during the continuance of such tenancy apply to the court to fix ~~what is~~ the fair rent to be paid. 30

(2.) Such application may also be made by the landlord and tenant jointly.

(3.) A fair rent means such a rent as in the opinion of the court, after hearing the parties and considering all the circumstances of the case, holding, and district, a solvent tenant would undertake to pay one year with another: Provided that the court, in fixing such 35

rent, shall have regard to the tenant's interest in the holding, and the tenant's interest shall be estimated with reference to the following considerations; that is to say,

A.D. 1851.

(a.) In the case of any holding subject to the Ulster tenant right custom or to any usage corresponding therewith—with reference to the said custom or usage;

(b.) In cases where there is no evidence of any such custom or usage—with reference to the scale of compensation for disturbance by this Act provided (except so far as any circumstances of the case shown in evidence may justify a variation therefrom), and to the right (if any) to compensation for improvements effected by the tenant or his predecessors in title.

(4.) If the rent fixed by the court (in this Act referred to as the judicial rent) is equal to or less than the rent payable by the tenant at the date when the application was made, such equal or less rent shall be deemed to be the rent payable by the tenant as from the period commencing at the next succeeding rent day.

(5.) If the judicial rent is greater than the rent payable by the tenant at the date when the application was made, such greater rent shall, if the landlord either immediately or at any time within *fifteen years* after the determination of the court serves notice on the tenant to that effect, be deemed to be the rent payable by the tenant as from the period commencing at the rent day next succeeding the day on which such notice is given.

(6.) If the landlord fails to serve such notice altogether or serves the same only after an interval, then, in the event of any sale being made of the tenancy before a further determination has been made of the rent by the court, the landlord shall be entitled, on application to the court, to receive out of the purchase moneys of the tenancy such amount as the court may think just, regard being had to the fact that the landlord has abstained, either altogether or for an interval, from increasing the rent to the amount declared to be a fair rent by the court.

(7.) Where the judicial rent of any present tenancy has been fixed by the court, then, until the expiration of a term of *fifteen years* after the determination of the court has been given (in this Act referred to as a statutory term), such present tenancy shall (if it so long continue to subsist) be deemed to be a tenancy subject to statutory conditions, and having the same incidents as a tenancy subject to statutory conditions consequent on an increase of rent by a landlord, with this modification, that, during the statutory term in a present tenancy consequent on the first determination of a judicial rent of that tenancy by the court, application by the landlord to authorise the resumption of the holding by him for some purpose having

A.D. 1881.

relation to the good of the holding or of the estate, or for the benefit of the labourers in respect of cottages, gardens, or allotments, shall not be entertained by the court.

(8.) Where an application is made to the court under this section in respect of any tenancy, the court may, if it think fit, disallow 5 such application where the court is satisfied that the holding in which such tenancy subsists has theretofore been maintained and improved by the landlord.

(9.) On the occasion of any application being made to the court under this section to fix a judicial rent in respect of any holding 10 which is not subject to the Ulster tenant-right custom, or an usage corresponding to the Ulster tenant-right custom, the landlord and tenant may agree to fix, or in the case of dispute the court may fix, on the application of either landlord or tenant, a specified value for the holding; and, where such value has been fixed, then if at any 15 time during the continuance of the statutory term the tenant gives notice to the landlord of his intention to sell the tenancy, the landlord may resume the holding on payment to the tenant of the amount of the value so fixed, together with the value of any improvements made by the tenant since the time at which such value 20 was fixed.

(10.) A further statutory term shall not commence until the expiration of a preceding statutory term, and an alteration of judicial rent shall not take place at less intervals than *fifteen years*.

(11.) During the currency of a statutory term an application to 25 the court to determine a judicial rent shall not be made except during the last *twelve months* of the current statutory term.

Equities to be administered by court between landlord and tenant.

8. Where the court, on the hearing of an application of either landlord or tenant respecting any matter under this Act, is of opinion that the conduct of either landlord or tenant has been 30 unreasonable, or that the one has unreasonably refused any proposal made by the other, the court may do as follows:

It may refuse to accede to the application, or may accede to the same, subject to conditions to be performed by either landlord or tenant, or may impose on either party to the application the pay- 35 ment of the costs or the greater part of the costs of any proceedings, and generally may make such order in the matter as the court thinks most consistent with justice.

The court in considering whether the landlord or tenant has unreasonably refused any proposal made by the other, may take 40 into account any proposal that may have been made of the grant by the landlord to the tenant of such a lease as is hereafter in this Act referred to as a judicial lease; but the conduct of the tenant in

refusing the grant of any such lease shall not be deemed unreasonable unless the court is satisfied that the interest of the tenant, having regard to the value of his tenancy, would have been sufficiently secured by such lease.

A.D. 1881.

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PART III.

EXCLUSION OF ACT BY AGREEMENT.

Judicial Leases.

9. The landlord and tenant of any ordinary tenancy and the landlord and proposed tenant of any holding to which this Act applies which is not subject to a subsisting tenancy, may agree, the one to grant and the other to accept a lease for a term of *thirty-one* years or upwards (in this Act referred to as a judicial lease), on such conditions and containing such provisions as the parties to such lease may mutually agree upon, and such lease, if sanctioned by the court, after considering the interest of the tenant and the value of his tenancy, shall be deemed to be substituted for the former tenancy, if any, in the holding; and the tenancy shall during the continuance of such lease be regulated by the provisions of that lease alone, and shall not be deemed to be a tenancy to which this Act applies.

Lease approved by court during its continuance to exclude provisions of the Act.

At the expiration of a judicial lease, the lessee shall be deemed to be the tenant of a future ordinary tenancy from year to year at the rent and subject to the conditions of the lease, so far as such conditions are applicable to such tenancy.

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Fixed Tenancies.

10. The landlord and tenant of any present ordinary tenancy may agree that such tenancy shall become a fixed tenancy within the meaning of this Act, and such fixed tenancy upon being established shall be substituted for the present tenancy previously existing in the holding, and shall not be deemed to be a tenancy to which this Act applies.

Present ordinary tenancy converted into fixed tenancy.

11. A fixed tenancy shall be a tenancy held upon such conditions as may be agreed upon between the landlord and tenant establishing such tenancy, subject to the following restrictions; that is to say,
 (1.) The tenant shall pay a fee-farm rent which may or may not be subject to re-valuation by the court at such intervals of not less than *fifteen years* as may be agreed upon between the landlord and tenant; and

Conditions of fixed tenancy.

[135.]

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A.D. 1881. (2.) The tenant shall not be compelled to quit his holding except on breach of some one or more of the conditions in this Act declared to be statutory conditions.

PART IV.

PROVISIONS SUPPLEMENTAL TO PRECEDING PARTS.

5

Miscellaneous.

Sale of
tenancy
without
notice of
increase of
rent.

12. Where a tenant sells his tenancy without notice from the landlord that he is about to raise the rent, and the landlord demands a higher rent from the purchaser of the tenancy than he received from the tenant, the purchaser may sell such tenancy forthwith, and if he sells the same forthwith he shall, in addition to any moneys he may receive from the sale of such tenancy, be entitled to receive from the landlord the amount by which the selling value of his tenancy may have been depreciated by the increase of rent.

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Regulations
as to sales
and applica-
tion to court
to fix rent.

13. (1.) Where proceedings are taken by the landlord to compel a tenant to quit his holding, the tenant may sell his tenancy at any time before but not after the expiration of *six months* from the execution of a writ or decree for possession in an ejectment for non-payment of rent and at any time before but not after the execution of such writ or decree in any ejectment other than for nonpayment of rent; and, if any judgment or decree in ejectment has been obtained before the passing of this Act, such tenant may within the same periods respectively apply to the court to fix the judicial rent of the holding.

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(2.) Where the sale of any tenancy is delayed by reason of any application being made to the court or for any other reasonable cause, the court may, on the application of the tenant, enlarge the time during which the tenant may exercise his power of sale.

(3.) Where any proceedings for compelling the tenant to quit his holding shall have been taken before or after an application to fix a judicial rent and shall be pending before such application is disposed of, the court before which such proceedings are pending shall have power to postpone or suspend such proceedings until the termination of the proceedings on the application for such judicial rent; and the pendency of any such proceedings for compelling the tenant to quit his holding shall not interfere with the power of the court to fix such rent, or with any right of the tenant resulting from the rent being so fixed; and any order made by the court for fixing the rent shall operate in the same manner as if such order had been made on the day of the date of application.

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Provided that proceedings shall not be taken by a landlord to compel a tenant to quit his holding for breach of any statutory condition, save as follows:—

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- (1.) Where the condition broken is a condition relating to payment of rent, then by ejectment subject to the provisions of the statutes relating to ejectment for non-payment of rent; and
- (2.) Where the condition broken is any other statutory condition, then by ejectment founded on notice to quit.

Limited administration for purposes of sale.

14. The court on being satisfied that the tenant of any holding within the jurisdiction of the court has died, and that the tenancy of such tenant ought to be sold under this Act, and that there is no legal personal representative of such tenant, or no legal personal representative whose services are available for the purpose of selling the tenancy, may appoint any person whom they think fit to be administrator of the deceased tenant, limited to the purposes of such sale, and such limited administrator shall, for the purpose of selling the tenancy, represent the deceased tenant in the same manner as if the tenant had died intestate, and administration had been duly granted to such limited administrator of all the personal estate and effects of the deceased tenant.

Such limited administrator may pay to the landlord, out of the purchase money, any sums due to the landlord by the deceased tenant in respect of his tenancy, and may pay the residue of the purchase money to a general administrator (if any) or into court.

Provision in case of title paramount.

15. If in the case of any holding the immediate landlord for the time being is deprived of his estate by title paramount, effluxion of time, or otherwise, during the continuance of any tenancy, the next superior landlord for the time being shall, for the purposes of this Act, during the continuance of such tenancy stand in relation of immediate landlord to the tenant of the tenancy, and have the rights and be subject to the obligations of an immediate landlord.

16. A tenancy for a year certain shall, for the purposes of this Act, be deemed to be a tenancy from year to year.

Provision as to certain small tenancies.

- A tenant holding under a tenancy less than a yearly tenancy created after the passing of this Act shall have the same rights under this Act as a yearly tenant, except where land is let merely for temporary convenience or to meet a temporary necessity.

Extent of Power to Contract out of Act.

17. A tenant of a holding or holdings, valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of not less than one hundred and fifty pounds, shall

Contracts inconsistent with Act, how far void.

A.D. 1881. — he entitled by writing under his hand to contract himself out of any of the provisions of this Act, but save as aforesaid any provision contained in any lease or contract of tenancy or other contract, which provision is inconsistent with any of the foregoing provisions of this Act, shall be void.

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Limited Owner.

Powers of
limited
owner.

18. A landlord being a limited owner, as defined by the twenty-sixth section of the Landlord and Tenant (Ireland) Act, 1870, may exercise under the foregoing provisions of this Act any powers which he might exercise if he were an absolute owner, with this exception, that except in the case of a body corporate, commissioners, or other like body, a limited owner shall not create a fixed tenancy without the sanction of the court. Any fines or principal moneys arising from the exercise of such powers shall be dealt with in manner provided by the Lands Clauses Consolidation Acts hereafter in this Act defined with respect to the purchase money or compensation coming to parties having limited interests.

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PART V.

ACQUISITION OF LAND BY TENANTS, RECLAMATION OF LAND,
AND EMIGRATION.

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Acquisition of Land by Tenants.

Advances to
tenants by
commission
for purchase
of holdings.

19. (1.) The land commission, out of moneys in their hands, may, if satisfied with the security, advance sums to tenants for the purpose of enabling them to purchase their holdings, as follows, that is to say,—

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(a.) Where a sale of a holding is about to be made by a landlord to a tenant in consideration of the payment of a principal sum,

the land commission may advance to the tenant for the purposes of such purchase, any sum not exceeding *three fourths* of the said principal sum.

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(b.) Where a sale of a holding is about to be made by a landlord to a tenant in consideration of the tenant paying a fine and engaging to pay to the landlord a fee farm rent,

the land commission may advance to the tenant for the purposes of such purchase, any sum not exceeding *one half* of the fine payable to the landlord.

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Provided that no advance shall be made by the land commission under this section on a holding subject to a fee farm rent, where the amount of such fee farm rent exceeds seventy-five per cent. of the rent which, in the opinion of the land commission, a solvent tenant would pay for the holding.

(2.) Sales by landlords to tenants may on the application of either landlord or tenant be negotiated and completed through the medium of the land commission at a fixed price or percentage, according to a scale to be settled from time to time by the land commission with the consent of the Treasury.

(3.) Where an estate is subject to incumbrances, or any doubt arises as to the title, the land commission, if satisfied with the indemnity or terms given by the landlord, may themselves indemnify the tenant against any such incumbrances, or any right, title, or interest adverse to or in derogation of the title of the landlord, and any such indemnity of the land commission shall be a charge upon the Consolidated Fund or the growing produce thereof.

20 20. (1.) Any estate may be purchased by the land commission for the purpose of reselling to the tenants of the lands comprised in such estate their respective holdings, if the land commission are satisfied with the expediency of the purchase, and are further satisfied that a competent number of the tenants are able and willing to purchase their holdings from the land commission.

Purchase of estates by commission and resale in parcels to tenants.

25 (2.) The sale by the land commission of a holding to the tenant thereof may be made either in consideration of a principal sum being paid as the whole price (whether paid immediately or by means of such advance as in this part of this Act mentioned) or in consideration of a fine and of a fee farm rent, with this qualification, that the amount of the fee farm rent shall not exceed seventy-five per cent. of the rent which in the opinion of the land commission a solvent tenant would pay for the holding.

35 (3.) For the purposes of this section a competent number of tenants means a body of tenants, who are not less in number than three fourths of the whole number of tenants on the estate, and who pay in rent not less than three fourths of the whole rent of the estate, and of whom a number, comprising not less than one half of the whole number of tenants on the estate are willing to pay the whole price of their holdings, either immediately or by means of such advances as in this part of this Act mentioned.

40 (4.) The land commission may advance to a tenant proposing to pay the whole price of his holding any sum not exceeding seventy-

A.D. 1881. five per cent. of the said price, and to a tenant purchasing subject to a fee farm rent a sum not exceeding one half of the amount of the fine payable by the tenant.

(5.) In sales by the land commission to tenants in pursuance of this section, a separate charge shall not be made for any expenses relating to the purchase, sale, or conveyance of the property, but such expenses shall be included in the price or fine payable by the purchaser.

The land commission may, if they are satisfied with the indemnity or terms offered or given by the vendor, purchase for the purposes of this section an estate subject to incumbrances, or an estate subject to any right, title, or interest adverse to or in derogation of the title of the vendor, and the land commission may indemnify any person to whom they may sell any holding under this section against any such incumbrances or the enforcement of any such right, title, or interest, and such indemnity shall be a charge on the Consolidated Fund or the growing produce thereof.

Sale to public of parcels not purchased by tenants.¹

21. Where the land commission have purchased an estate, they may sell any parcels which they do not sell to the tenants thereof in such manner as they think fit, in consideration either of a principal sum as the whole price, or of a fine and a fee farm rent, or partly in one way and partly in the other.

The land commission may advance to any purchaser of a parcel under this section, on the security of such parcel, one half of the principal sum paid as the whole price or of the fine.

The provisions of this part of this Act with respect to the charges for expenses and to the mode in which sales are to be made and to the indemnity which the land commission may give to the purchaser shall, except so far as the land commission otherwise direct, apply to the sale of a parcel in pursuance of this section in like manner as if the purchaser had been the tenant of the holding at the time of his making the purchase.

Terms of repayment of advances made by commission.

22. (1.) Any advance made by the land commission for the purpose of supplying money for the purchase of a holding from a landlord or of a holding or parcel from the land commission, shall be repaid by an annuity in favour of the land commission for thirty-five years of five pounds for every hundred pounds of such advance, and so in proportion for any less sum.

(2.) Every such advance shall be secured to the commission either in such manner as may be agreed on between the com-

mission and the person to whom the advance is made, and as the commission think sufficient, or in manner provided by Part III. of the Landlord and Tenant (Ireland) Act, 1870, as amended by the Landlord and Tenant (Ireland) Act, 1872, in like manner in all respects as if the same were such an advance as is mentioned in those Acts, and as if the land commission were the Board therein mentioned, and as if the person receiving the advance were a tenant or purchaser therein mentioned.

A.D. 1881.

33 & 34 Vict.
c. 86.
35 & 36 Vict.
c. 32.

(3.) Any person liable to pay an annuity in this section mentioned may redeem the same, or any part thereof, as provided by section fifty-one of the Landlord and Tenant (Ireland) Act, 1870.

23. (1.) The land commission shall not purchase a leasehold estate under this part of this Act, unless the lease is for lives or years renewable for ever, or is for a term of years of which not less than sixty are unexpired at the time when the sale is made, or unless the land commission have purchased some greater right or interest in the estate in which the leasehold would be merged: Provided that—

Provision as
to purchases
and sales by
land commis-
sion.

(a.) This part of this Act shall not empower the owner of a leasehold holding under a lease containing a prohibition against alienation to sell such leasehold unless such prohibition is determined or is waived; and

(b.) Nothing in this section shall prevent the purchase of an estate by reason only of a small part thereof being leasehold.

(2.) Any body corporate, public company, trustees for charities, commissioners or trustees for collegiate or other public purposes, or any person having a limited interest in an estate or any right or interest therein, may sell the same to the land commission, and for the purpose of the purchase by the land commission of any estate or any right or interest therein the Lands Clauses Consolidation Acts (except so much as relates to the purchase of land otherwise than by agreement) shall be incorporated with this Act, and in construing those Acts for the purposes of this section the "special Act" shall be construed to mean this Act, and "the promoters of the undertaking" shall be construed to mean the land commission, and "land" shall be construed to include any right or interest in land.

(3.) For the purpose of this Act "the Lands Clauses Consolidation Acts" means the Lands Clauses Consolidation Act, 1845, as amended by the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Act (Ireland), 1851, the Railways Act (Ireland),

A.D. 1881.

1880, the Railways Act (Ireland), 1864, and the Railway Traverse Act.

(4.) Any sale of a holding to a tenant by a landlord, also any sale to a tenant of a holding by the land commission in pursuance of this part of this Act, may be made either in pursuance of Part II. 5 of the Landlord and Tenant (Ireland) Act, 1870, or in such manner as the land commission may think expedient; and for the purpose of the application of the said Part II., "price" in section thirty-two of the Landlord and Tenant (Ireland) Act, 1870, shall be deemed to include a fine and a fee farm rent as well as a principal sum, and the enactments relating to the distribution of the price shall apply 10 with the necessary modifications.

Conditions
annexed to
holdings
whilst
subject to
advances.

24. (1.) As between the land commission and the proprietor for the time being of any holding for the purchase of which the land commission have advanced money in pursuance of this part 15 of this Act, the following conditions shall be imposed so long as such holding is subject to any charge in respect of an annuity in favour of the land commission; that is to say,

(a.) The holding shall not be sold by such proprietor without the consent of the land commission until one half of the whole 20 charge has been discharged :

(b.) The holding shall not be subdivided or sublet by such proprietor without the consent of the land commission until the whole charge due to the land commission has been repaid :

(c.) Where the proprietor sells, subdivides, or sublets any holding 25 or part of a holding in contravention of the foregoing provisions of this section, the land commission may cause the holding to be sold :

(d.) Where the title to the holding is divested from the proprietor by bankruptcy, or judgment, the land commission may 30 cause the holding to be sold :

(e.) Where, on the decease of the proprietor, the holding would by reason of any devise, bequest, intestacy, or otherwise, become sub-divided the land commission may require the holding to be sold within twelve months after the death of the 35 proprietor to some one person, and if default is made in selling the same, the land commission may cause the same to be sold.

(2.) The land commission may cause any holding which under this section they can cause to be sold, or any part of such holding, to be sold by public auction or private contract, and subject to 40 any conditions of sale they may think expedient, and after such notice of the time, place, terms, and conditions of such sale, as

they think just and expedient; and the land commission may convey such holding to the purchaser in like manner in all respects as if the holding had been vested in the land commission. A.D. 1861.

(3.) The land commission shall apply the proceeds derived from such sale in payment, in the first instance, of all moneys due to them in respect of the holding, and in redemption on the terms specified in section fifty-one of the Landlord and Tenant (Ireland) Act, 1870, of any annuity charged on the said holding, in favour of the commission, or of so much thereof as remains unpaid, and of all expenses incurred by the land commission in relation to such sale or otherwise with respect to the holding, and shall pay the balance to the persons appearing to the land commission to be for the time being entitled to receive the same.

Reclamation of Land and Emigration.

25 25. (1.) The Treasury may authorise the Board of Works to advance from time to time out of any moneys in their hands to companies, if they are satisfied with the security, such sums as the Treasury think expedient for the purpose of the reclamation or improvement of waste or uncultivated land, drainage of land, or for any other works of agricultural improvement. Reclamation
of land.

(2.) The Board of Works shall not make to any company in pursuance of this section any advances exceeding in the whole the sums which such company may, within such period as may be determined by the Board of Works, have advanced or expended out of their own moneys for some one of the purposes of this section, with this exception, that where a baronial guarantee has been given for the sum to be advanced to the company, such advance may amount to two-thirds of the sum guaranteed.

(3.) Advances made by the Board of Works to a company in pursuance of this section shall be made repayable within such periods and at such rate of interest as are set forth in a minute of the Treasury made on the sixteenth day of August, one thousand eight hundred and seventy-nine, with reference to loans to which section two of the Public Works Loans Act, 1879, applies, or as the Treasury may from time to time fix in pursuance of that section, and save as regards such periods and rate of interest the enactments relating to loans made by the Board of Works for the like purposes to those above in this section mentioned shall, so far as is consistent with this section, apply in like manner as if an advance under this section were a loan made in pursuance of those enactments.

A.D. 1881.

43 & 44 Vict.
c. 14.

(4.) "A baronial guarantee" means for the purposes of this section a guarantee by a barony in favour of a public company given in pursuance of the Relief of Distress (Ireland) Amendment Act, 1880, and any company to which this section applies shall be deemed to be a public company within the meaning of the said 5 Act; and in order that a guarantee may be given in pursuance of this section the power of convening extraordinary meetings of the baronial presentment sessions of any barony vested in the Lord Lieutenant may be exercised by the Lord Lieutenant at any time before the *thirty-first day of December, one thousand eight hundred* 10 *and eighty-six.*

Emigration.

26. The land commission may from time to time, with the concurrence of the Treasury, enter into agreements with any person or body of persons having authority to contract on behalf of the dominion of Canada, or of any province thereof, or on behalf of any 15 British colony or dependency, or any state or other district in such dominion, province, colony, or dependency, or on behalf of any public company or other public body with whose constitution and security the land commission may be satisfied, for the advance by the commission by way of loan, out of the moneys in their hands, 20 of such sums as the commission may think it desirable to expend in promoting emigration from Ireland. Such agreements shall contain such provisions relative to the mode of the application of the loans and the securing and repayment thereof to the commission, and for other purposes, as the commission with the concurrence of 25 the Treasury approve. Such loans shall be made repayable within the periods and at the rate of interest within and at which advances by the Board of Works for the purpose of the reclamation or improvement of land are directed by this Act to be made repayable.

Supplemental Provisions.

30

Supply of
money to
land com-
mission for
purposes of
Act.40 & 41 Vict.
c. 27.

27. *The Treasury may from time to time, as they think fit, issue the sums required for advances or purchases of estates by the land commission under this part of this Act not exceeding the sums annually granted by Parliament for the purpose; and, sections* 35 *twelve, thirteen, fourteen, and fifteen of the Public Works Loans (Ireland) Act, 1877, shall apply in like manner as if they were herein enacted, with the substitution of "Land Commission" for "the Commissioners of Public Works," and as if the said sums required by the land Commission were the loans in the said sections mentioned.*

40

28. (1.) The land commission before buying any estate shall satisfy themselves that a resale can be effected without loss, and that the purchasers will be in a position to work their holdings profitably.

A.D. 1861.

Proceedings
of commis-
sion.

5 (2.) The land commission upon purchasing any estate shall certify to the Treasury that they are satisfied with the matters of which they are by this section, or by any other provision of this part of this Act, required to be satisfied before such purchase, and such certificate shall be conclusive evidence to any purchaser that they
10 were so satisfied and that the purchase was made in accordance with this Act.

(3.) An advance made by the land commission to a purchaser of a holding or of any parcel of land, in respect of any one purchase by him under this Act whether from the landlord or from the land
15 commission, shall not exceed *three thousand pounds*, unless the commission report to the Treasury that by reason of special circumstances they deem it expedient to make an advance not exceeding *five thousand pounds*, in which case they may make such advance with the approval of the Treasury.

20 (4.) The land commission shall, from time to time, by sale by auction, or in such other manner as may be allowed by the Treasury, dispose of all fee farm rents for the time being vested in them.

(5.) The land commission shall in purchasing estates, in making
25 advances, in dealing with the funds that come into their possession, and in accounting for the same, and generally in the performance of their duties under this part of this Act, conform to any directions, whether given on special occasions or by general rule or otherwise, which may from time to time be given to them by the
30 Treasury, and shall from time to time report as the Treasury may direct all matters which may be transacted by the land commission.

(6.) All sums received by the commission as repayments of any advance, and all sums received by the commission for fees, percentages, rents, or otherwise shall, except so far as they may be
35 applied under directions from the Treasury in payment of expenses, be paid into the Exchequer.

29. All powers exercisable by the Board of Works under the Landlord and Tenant (Ireland) Act, 1870, and the Landlord and Tenant (Ireland) Act, 1872, in relation to the purchase by tenants
40 of their holdings shall, after the passing of this Act be transferred to and may be exercised by the land commission, and the said Act and any enactments amending the same so far as they relate to the

Transfer of
purchase
powers of
Board of
Works to
land com-
mission.

A.D. 1881. matter aforesaid shall be construed as if the land commission were substituted for the board: Provided that this section shall not affect or interfere with any of the powers of the Board of Works in relation to any transactions which are completed before the passing of this Act or which the Board declare are being carried into effect at the 5 passing of this Act.

Rule as to
fixing per-
centages,
purchase-
moneys, &c.

30. In fixing the purchase moneys, fines, rents, fees, per-centages, and other sums to be charged or made payable to the land commission in respect of transactions under this part of this Act care shall be taken to fix the same in such manner as to make 10 the amount resulting therefrom, as nearly as can be estimated, not less than the amount required to defray the expenses.

PART VI.

COURT AND LAND COMMISSION.

Description of Court and Proceedings.

Court to
mean civil
bill court.
s. 22.

31. (1.) The expression "The Court" as used in this Act shall mean the civil bill court of the county where the matter requiring the cognizance of the court arises. 15

(2.) Where a matter requiring the cognizance of the court arises in respect of a holding situate within the jurisdiction of more than 20 one civil bill court, any civil bill court within the jurisdiction of which any part of the holding is situate may take cognizance of the matter.

(3.) The court shall have jurisdiction in respect of all disputes between landlords and tenants arising under this Act. 25

(4.) In determining any question relating to a holding, the court may direct an independent valuer to report to the court his opinion on any matter the court may desire to refer to such valuer, such report to be accompanied with a statement, if so directed, of all such facts and circumstances as may be required for the purpose of enabling 30 the court to form a judgment as to the subject-matter of such report. The court may or may not, as it thinks fit, adopt the report of such valuer, and it may make such order with respect to the costs incurred in respect of such report as it thinks just.

Incorporation
of certain
provisions of
the Land-
lord and
Tenant
(Ireland)
Act, 1870.

32. There shall be incorporated with this Act the following 35 provisions of the Landlord and Tenant (Ireland) Act, 1870; that is to say,

(1.) Section twenty-three, relating to the powers of the judge of the civil bill court; and section twenty-five, relating to the court of arbitration.

40

- (2.) Section forty, relating to the apportionment of rents, and in that section rents shall include any rent payable to the Crown; A.D. 1881.
- (3.) Section fifty-nine, relating to administration on death of tenant;
- 5 (4.) Section sixty, containing provisions as to married women;
- (5.) Section sixty-one, containing provisions as to other persons under disability;
- (6.) Section sixty-two, relating to additional sittings of civil bill court;
- 10 (7.) Section sixty-four, relating to power to appoint a substitute in civil bill court if judge cannot attend.

Arbitration.

33. Any matter capable of being determined by the court under this Act, may, if the parties so agree, be decided by arbitration, and an arbitration shall be conducted by the court of arbitration in manner provided by the Landlord and Tenant (Ireland) Act, 1870, and where the amount of rent is decided by arbitration, such rent shall for the purposes of this Act be deemed to be the judicial rent. Reference to arbitration.
- 15

Appointment and Proceedings of Land Commission.

- 20 34. The following persons, that is to say, *A. B.*, of *C. D.*, one of the judges of the Supreme Court of Judicature in Ireland, and *E. F.*, of , shall be constituted commissioners under this Act. They shall hold office during Her Majesty's pleasure, and if any vacancy occurs in the office of any commissioner, by death, resignation, incapacity, or otherwise, Her Majesty may, by warrant under the Royal Sign Manual, appoint some other fit person to fill the vacancy, with this qualification, that one member of the commission shall always be a person who is or has been a judge of the Supreme Court of Judicature in Ireland. Constitution of land commission.
- 25
- 30 35. The commissioners under this Act shall be a body corporate, with a common seal, and a capacity to acquire and hold land for the purposes of this Act, and shall be styled "The Irish Land Commission." Incorporation of commission.

Judicial notice shall be taken by all courts of justice of the corporate seal of the land commission, and any order or other instrument purporting to be sealed with it shall be received as evidence without further proof.

35

36. The Lord Lieutenant may from time to time, with the consent of the Treasury as to number, appoint and remove assistant commissioners. Appointment of assistant commissioners.
- 40

A.D. 1861. The central office of the land commission shall be in Dublin, but the land commission may form sub-commissions in any province, particular district or districts of Ireland, and such sub-commissions shall consist of such number of the said assistant commissioners as the land commission may think fit, and the land commission may delegate to any sub-commission such powers as they think expedient, and may from time to time revoke, alter, or modify any powers so delegated to a sub-commission. 5

Quorum of commission.

37. Any power or act by this Act vested in or authorised to be done by the land commission may be exercised or done by any one member of the land commission, or by such assistant commissioner or number of assistant commissioners as the land commission may from time to time determine with the assent of the Lord Lieutenant. 10

Appointment of officers.

38. The land commission may from time to time, with the consent of the Lord Lieutenant and the Treasury, appoint and remove a secretary, and appoint and remove such number of officers, agents, clerks, and messengers as they deem necessary for the purposes of this Act. 15

They may also, with the consent of the Treasury, employ such number of actuaries, surveyors, and other persons as they may think fit for the purpose of enabling the land commission to carry into effect any of the provisions of this Act. 20

Salaries of commission.

39. There shall be paid to each of the commissioners a salary not exceeding *two thousand pounds* a year, and to the assistant commissioners, secretary, officers, and other persons above mentioned such salaries or remuneration as the Lord Lieutenant may, with the consent of the Treasury, determine. 25

The salaries of the commissioners and assistant commissioners and of all persons employed by the commissioners and all expenses incurred by the land commission in carrying into effect this Act, not otherwise provided for, shall be paid out of moneys provided by Parliament. 30

Powers of commission.

40. (1.) For the purposes of this Act, the land commission may refer any matter to the land judges of the Chancery Division of the High Court. 35

(2.) The land commission shall have full power to decide all questions whatsoever, whether of law or fact, which it may be necessary to decide for the purposes of this Act, and they shall not be subject to be restrained in the execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court. 40

(3.) The land commission with respect to the following matters; that is to say,

(a.) Enforcing the attendance of witnesses, (after a tender of their expenses,) the examination of witnesses orally or by affidavit, and the production of deeds, books, papers, and documents; and

A.D. 1881.

(b.) Issuing any commission for the examination of witnesses; and

(c.) Punishing persons refusing to give evidence or to produce documents, or guilty of contempt in the presence of the land commission or any of them sitting in open court; and

(d.) Making or enforcing any order whatever made by them for the purpose of carrying into effect the objects of this Act;

shall have all such powers, rights, and privileges as are vested in the Chancery Division of the High Court of Justice in Ireland for such or the like purposes, and all proceedings before the land commission shall in law be deemed to be judicial proceedings before a court of record.

(4.) In determining any question relating to a holding the commission may direct an independent valuer to report to it his opinion on any matter the commission may desire to refer to such valuer, such report to be accompanied with a statement, if so directed, of all such facts and circumstances as may be required for the purpose of enabling the commission to form a judgment as to the subject matter of such report. The commission may or may not, as it thinks fit, adopt the report of such valuer, and it may make such order with respect to the costs incurred in respect of such report as it thinks just.

(5.) The land commission may review and rescind or vary any order or decision previously made by them, or any of them; but save as aforesaid, every order or decision of the said commission shall be final.

Nothing in this section shall authorise the land commission to determine any question or to exercise any power of a judge in relation to any purchase of an estate by them, or to the purchase of a holding through the medium of the land commission.

41. Any person aggrieved by the decision of any civil bill court with respect to the determination of any matter under this Act may appeal to the land commission, and such commission may confirm, modify, or reverse the decision of the civil bill court.

Appeal to
land com-
mission.

The land commission may determine any appeal in Dublin or may proceed to any place or places in Ireland for the purpose of from time to time determining the same.

42. (1.) The land commission shall circulate forms of application and directions as to the mode in which applications are to be made under this Act, and may from time to time make, and when

Rules for
carrying Act
into effect.

A.D. 1881. — made may rescind, amend, or add to, rules with respect to such circulation and to the following matters, or any of them :

- (a.) The proceedings on the occasion of sales under this Act :
- (b.) The proceedings in the civil bill court under this Act :
- (c.) The security (if any) to be given by applicants to, or persons dealing with, the commission :
- (d.) The proceedings in appeals under this Act :
- (e.) The forms to be used for the purposes of this Act :
- (f.) The scale of costs and fees to be charged in carrying this Act into execution, and the taxation of such costs and fees, 10 and the persons by or from whom and the manner in which such costs and charges are to be paid or deducted, subject nevertheless to the sanction of the Treasury as to the amount of fees to be charged :
- (g.) The mode of service of civil bill processes in ejectment and for the recovery of rent : 15
- (h.) The service of notices on persons interested, and any other matter by this Act, or any part of any Act incorporated herewith, directed to be prescribed :
- (i.) The mode in which consents on the part of any landlord, tenant, or other person may be signified under this Act : 20
- (j.) As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may seem to the land commission expedient to make rules for the purpose of carrying this Act into effect. 25

(2.) Any rules made in pursuance of this section shall be judicially noticed in all courts of Her Majesty's dominions.

(3.) Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made if Parliament be then sitting, and if Parliament be not then sitting, 30 within three weeks after the beginning of the then next session of Parliament.

Existence of land commission not to create vested interests.

43. No person being a member of or employed by the land commission shall by reason of such membership or employment acquire any right to compensation, superannuation, or other 35 allowance on abolition of office or otherwise.

PART VII.

DEFINITIONS, APPLICATION OF ACT, AND SAVINGS.

Definitions.

44. In the construction of this Act the following words and expressions shall have the meaning hereby assigned to them, unless 40 there be something in the context repugnant thereto ; that is to say,

"Lord Lieutenant" includes the Lords Justices or any other Chief Governor or Governors of Ireland for the time being :

"Treasury" means the Commissioners of Her Majesty's Treasury :

"Board of Works" means the Commissioners of Public Works in Ireland :

"Contract of tenancy" means a letting of land for a term of years or for lives, or for lives and years, or from year to year :

"Tenant" means a person occupying land under a contract of tenancy, and includes the successors in title to a tenant :

"Landlord" means the immediate landlord or the person for the time being entitled to receive the rents and profits or take possession of the land held by his tenant, and includes the successors in title to a landlord :

"Holding" during the continuance of a tenancy means a parcel of land held by a tenant of a landlord for the same term and under the same contract of tenancy, and, upon the determination of such tenancy, means the same parcel of land discharged from the tenancy :

"Tenancy" means the interest in a holding of a tenant and his successors in title during the continuance of a tenancy ; and "rent of a tenancy" means the rent for the time being payable by such tenant or some one or more of his successors :

"Present tenancy" means a tenancy subsisting at the time of the passing of this Act :

"Future tenancy" means a tenancy beginning after the passing of this Act :

"Ordinary tenancy" means a tenancy to which this Act applies, and which is not a tenancy subject to statutory conditions, or a judicial lease, or a fixed tenancy :

"Sale," "sell," and cognate words, include alienation, and alienate, with or without valuable consideration :

"Ejectment" includes action for recovery of land :

"An estate" means any lands which in the opinion of the land commission may be deemed for the purposes of this Act to constitute an estate :

"Prescribed" means prescribed by rules made in pursuance of this Act.

Any words or expressions in this Act which are not hereby defined, and are defined in the Landlord and Tenant (Ireland) Act, 1870, shall, unless there is something in the context of this Act repugnant thereto, have the same meaning as in the last-mentioned Act.

A.D. 1881.

Rules as to
determina-
tion of
tenancy.

45. A tenancy to which this Act applies shall be deemed to have determined whenever it is sold in consequence of a breach by the tenant of a statutory condition, or, in the case of a tenancy not subject to statutory conditions, of an act or default on the part of a tenant which would, in a tenancy subject to such conditions, have constituted a breach thereof, or whenever the landlord has resumed possession of the holding either on the occasion of a purchase by him of the tenancy, or of default of the tenant in selling, or by operation of law, or reverter, or otherwise. Provided that:

- (1.) The surrender to the landlord of a tenancy for the purpose of the acceptance or admission of a tenant or otherwise by way of transfer to a tenant shall not be deemed to be a determination of the tenancy;
- (2.) Where a present tenancy in a holding is purchased by the landlord from the tenant in exercise of his right of pre-emption under this Act, and not on the application or by the wish of the tenant, or as a bidder in the open market, then if the landlord within fifteen years from the passing of this Act re-lets the same holding to another tenant, the same shall be subject from and after the time when it has been so re-let, to all the provisions of this Act which are applicable to present tenancies;
- (3.) A tenant holding under the Ulster tenant-right custom, or a usage corresponding to the Ulster tenant-right custom, shall be entitled to the benefit of such custom, notwithstanding any determination of his tenancy by breach of a statutory condition, or of an act or default of the same character as the breach of a statutory condition.

Tenancies to
which the
Act does not
apply.

46. This Act, with the exception of so much thereof as amends the Landlord and Tenant (Ireland) Act, 1870, in respect of compensation for improvements, and with the exception of Part Five of this Act, shall not apply to tenancies in—

- (1.) Any holding which is not agricultural or pastoral in its character, or partly agricultural and partly pastoral; or
- (2.) Any demesne land, or any holding ordinarily termed "town-parks" adjoining or near to any city or town which bears an increased value as accommodation land over and above the ordinary letting value of land occupied as a farm, and is in the occupation of a person living in such city or town, or the suburbs thereof; or
- (3.) Any holding let to be used wholly or mainly for the purpose of pasture, and valued under the Acts relating to the valuation of property at an annual value of not less than fifty pounds; or
- (4.) Any holding let to be used wholly or mainly for the purposes

of pasture, the tenant of which does not actually reside on the same, unless such holding adjoins or is ordinarily used with the holding on which such tenant actually resides; or

A.D. 1881.

(5.) Any holding which the tenant holds by reason of his being a hired labourer or hired servant; or

(6.) Any letting in conacre or for the purposes of agistment or for temporary depasturage; or

(7.) Any holding let and expressed in the document by which it is let to be so let for the temporary convenience or to meet a temporary necessity either of the landlord or tenant.

(8.) Any cottage allotment not exceeding a quarter of an acre.

47. Any leases or tenancies existing at the date of the passing of this Act, except yearly tenancies and tenancies less than yearly tenancies, which existing leases and tenancies (except as afore-

Saving of
existing
tenancies.

said) are in this Act referred to as existing leases, shall remain in force to the same extent as if this Act had not passed, and holdings subject to existing leases shall be regulated by the provisions contained in the said leases, and not by the provisions relating to tenancies in that behalf contained in this Act: Provided that on the termination of any existing lease in any holding which if it had been held from year to year would have been subject to the Ulster tenant-right custom, or any usage corresponding therewith, the person who would have been entitled to make a claim under the first or second section of the Landlord and Tenant (Ireland) Act, 1870, in respect of the same holding shall be entitled to do so notwithstanding that the holding was held under any such lease, but this proviso shall not apply to leases in which there is contained a provision expressly excluding the Ulster tenant-right custom or a usage corresponding therewith.

48. Any application which a tenant is authorised by this Act to make to the court shall, if made to the court on the first occasion on which it sits after the passing of this Act, have the same operation as if it had been made on the day on which this Act comes into force; and any order made upon such application shall be of the same effect as if it had been made on the day on which this Act comes into force, unless the court otherwise directs; and the person by whom such application is made shall, if the court thinks just, be in the same position and have the same rights in respect of his tenancy as he would have been in and would have had if the application had been made on the day on which this Act comes into force.

Saving in
case of in-
ability to
make imme-
diate applica-
tion to court.

49. This Act shall not apply to England or Scotland.

Application
of Act.

50. This Act may be cited for all purposes as the Land Law (Ireland) Act, 1881.

Short title
of Act.

Land Law (Ireland).

A

B I L L

To further amend the Law relating to
the Occupation and Ownership of
Land in Ireland, and for other pur-
poses relating thereto.

*(Prepared and brought in by
Mr. Gladstone, Mr. Forster, Mr. Bright,
Attorney-General for Ireland, and Mr.
Solicitor-General for Ireland.)*

*Ordered, by The House of Commons, to be Printed
7 April 1881.*

[Bill 135.]

Under 4 oz.